



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ATX-SR, INC.,

Plaintiff,

11 Civ. 757 (JGK)

- against -

OPINION

CROSS COUNTRY AUTOMOTIVE SERVICES,  
INC.,

Defendant.

JOHN G. KOELTL, District Judge:

For the reasons stated on the record at the argument held June 23, 2011, the defendant's motion to dismiss is **denied**. The Clerk is directed to close Docket No. 4.

The lawyers for both parties are directed to give an estimated litigation budget to their respective clients. After doing so, the parties should hold a Rule 26(f) conference, at which a representative of each party should be present.

The defendant's answer to the complaint is due **July 1, 2011**. If the defendant files counterclaims, the plaintiff may move or answer by **July 17, 2011**. The parties should submit a Rule 26(f) report and indicate whether the case should be referred to a magistrate judge for purposes of settlement and whether both parties consent to trial before a magistrate judge by **July 29, 2011**.

SO ORDERED.

Dated: New York, New York  
June 23, 2011

John G. Koeltl  
United States District Judge